

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

FEB 27 2008

UNITED STATES OF AMERICA
ROBERT H. SHEMWEEL, CLERK
BY  DEPUTY
VS.

CRIMINAL NO. 5:00CR50084-01

JUDGE: DONALD E. WALTER

MAG. JUDGE: MARK HORNSBY

TOBY JACK

* * * *

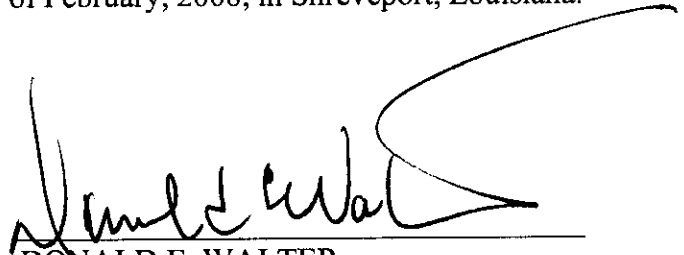
ORDER

Because of the recent revision to the base offense levels for crack cocaine, Section 2D1.1 of the United States Sentencing Guidelines, this matter has been considered for re-calculation of sentence pursuant to 18 U.S.C. § 3582(c)(2).

The United States Probation Office reviewed and issued on February 8, 2008, to the Office of the Federal Public Defender and the United States Attorney's Office an assessment of a potential re-calculation of the Defendant's range of imprisonment and noted the mandatory statutory minimum requirement, along with the Pre-Sentence Report. Both parties had until February 22, 2008, to submit any objections.

Having reviewed the Probation Office's assessment of a potential re-calculation of the applicable Guideline range of imprisonment and the record in this matter, including the Pre-Sentence Report, the Court finds that the defendant is subject to a mandatory statutory minimum sentence of 120 months imprisonment. Defendant was previously sentenced to 120 months imprisonment. Accordingly, the Court cannot reduce Defendant's sentence further.

THUS DONE and SIGNED on this 27th day of February, 2008, in Shreveport, Louisiana.


DONALD E. WALTER
UNITED STATES DISTRICT JUDGE